

## **EXHIBIT 39**

Orsaia, Patricia

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**From:** Magone, Catherine  
**Sent:** Wednesday, October 04, 2006 9:27 AM  
**To:** Newmark, Carole  
**Cc:** Orsaia, Patricia  
**Subject:** clarification

Carole, I am writing in response to an email that you sent to Pat Orsaia where you continue to express concerns regarding my use of the word "young" in describing Nicole Serra. I would like to reiterate that my decision to appoint Nicole to be the Social Worker for the palliative service was based on input from R O'Hare and Maura Delbene as well as the needs of the department. In describing Nicole as a new, young social worker needing to have a project of her own, I never intended to imply that you were not chosen because of your age or that anyone's age was relevant to my decision.

I trust that this finally clarifies the comment in question and my use of the word "young" in the full context of my comment.

10/4/2006

N-282

TI'S EX. 6  
Magone Dep